IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3913 OF 2006

Premchand N. Mahajan ....Petitioner
V/s.
The State of Maharashtra & Ors. ....Respondents

Mr.N.V. Bandiwadekar for the Petitioner.
Mr.R.D. Rane, G.P. for Respondent Nos.1 and 2.
Mr.A.L. Gore for Respondent No.5.

CORAM : F.I. REBELLO &
S.J. VAZIFDAR, JJ.
DATED : 12TH FEBRUARY, 2007.

P.C. :

1. The Petitioner approached this Court on the ground that though the post to which he is appointed is sanctioned and could have been approved, none the less Respondent No.3 has chosen not to approve the appointment for reasons other than legal. During the pendency of this Petition, by a notice dated 26.12.2006, the services of the Petitioner came to be terminated with effect from 1.1.2007. The Petitioner challenged the termination by preferring appeal which is pending.

On behalf of the Petitioner the learned counsel submits that the issue of approval is before

this Court. The Petition as filed still can be proceeded with.

2. We are afraid that we cannot entertain the Petition as relationship of master and servant has ceased. Hence so far as the present Petition is concerned, the grant of approval cannot be gone into. However, it is made clear that since the termination is based on the non-approval and the issue of termination is before the Tribunal, the Tribunal whilst considering the legality of the order of termination can go into the question of non-approval also and all other incidental questions.

3. With the above observations, the Writ Petition is accordingly disposed of.

(S.J. VAZIFDAR, J.) (F.I. REBELLO, J.)